

REMARKS

Claims 23-30 remain in this application, and have been amended. Claim 23 has been amended to better form for allowance, and the remaining claims have been amended to correct minor informalities. Claim 30 has been added. By these amendments, no new matter has been added. A Request for Continued Examination (RCE) is submitted herewith.

The Examiner rejected Claims 23-24 under 35 U.S.C. § 102(b) in view of Wolf, and Claims 25-29 under 35 U.S.C. § 103(a), also in view of Wolf. These rejections are respectfully traversed.

Wolf fails to disclose or suggest a smoke generator in which fan motor velocity is controlled in proportion to a corresponding load on the electric motor, as defined by Claim 23. That is, as the load on the train motor increases, the fan motor velocity is increased, and vice-versa. Instead, Wolf discloses controlling a voltage applied to heater resistor wires, while operating the smoke generator fan at a constant speed. See, e.g., Wolf col. 33, lines 35-54; col. 35, lines 2-9. In contrast, a smoke generator as defined by Claim 23 controls smoke generation by controlling fan velocity, and there is no need to also control power supplied to an oil heater or other smoke generator. See, e.g., application at Figs. 5 & 6; and paragraphs 0026, 0029-0031 (describing maintaining a constant temperature in the smoke generating unit while controlling fan speed.) In addition, Wolf merely discloses controlling the fan velocity in proportion to train speed. Col. 34, lines 11-23. Thus, Wolf teaches away from controlling fan velocity in proportion to train motor load.

The present invention thereby solves the problem of failure from excessive heat, which this application acknowledges as a prior-art problem in paragraph 0004, while providing smoke output in proportion to train motor load. In comparison, Wolf does not recognize the problem of excessive heat. To the contrary, the smoke generator of Wolf may be more prone to failure from excessive heat, because the power supplied to the

resistor wire is increased while the fan speed remains constant. Col. 35, lines 2-9. Nor does Wolf disclose any other structure to protect the smoke generator components from excessive heat, e.g., thermal insulation material.

Failing to disclose or suggest all the elements of Claim 23, Wolf therefore cannot anticipate it. Nor would the invention have been obvious in view of Wolf, because Wolf teaches away from the invention, and one of ordinary skill would not have been motivated to change the smoke control generator as disclosed by Wolf. Claim 23 is therefore allowable. The remaining Claims 24-30 are also allowable, at least as depending from an allowable base claim.

In view of the foregoing, the Applicants respectfully submit that Claims 23-30 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. If it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

To the extent necessary, Applicants petition the Commissioner for a one-month extension of time, extending to February 4, 2005, the period for response to the Office Action dated October 4, 2004. The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



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